

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**ROBERTO ENRIQUE
RINCON-FERNANDEZ**

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CRIMINAL NO. 4:15-654-1

**UNITED STATES' UNOPPOSED MOTION
FOR FINAL ORDER OF FORFEITURE**

The United States moves for a Final Order of Forfeiture for \$51,251,219.23 in substitute assets tendered by the Defendant. No third parties have filed petitions claiming an interest in the property, so this motion is unopposed.

On June 16, 2016, Defendant Roberto Enrique Rincon Fernandez pleaded guilty to Counts One, Two, and Three of the Information (Doc. 67, Plea Agreement). Count One charged Defendant with conspiracy to violate the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd-2 ("FCPA"), in violation of Title 18, United States Code, Section 371. Count Two charged Defendant with a violation of the FCPA. Count Three charged Defendant with making false statements on his federal income tax return, in violation of Title 26, United States Code, Section 7206(1).

The United States sought forfeiture of the proceeds of the criminal offenses charged in Counts One and Two. The Court imposed an agreed money judgment

in the amount of \$51,651,219.23 against the Defendant. (Doc. 68). After application of a \$400,000.00 agreed credit, the balance of the money judgment amount became \$51,251,219.23.

The Defendant tendered the amount of \$51,251,219.23 to the United States from Swiss bank accounts. On May 22, 2017, the Court signed a Preliminary Order of Forfeiture (Doc. 122), forfeiting the substitute assets. Pursuant to the Defendant's consent in his Plea Agreement, the forfeiture of the property was final as to the Defendant at the time the Preliminary Order was entered. FED.R.CRIM.P. 32.2(b)(4)(A). Notice of the Order was published for at least 30 consecutive days, starting on October 12, 2022 (Doc. 289), and more than 60 days have passed since the first date of publication.

On October 7, 2022, in accordance with FED.R.CRIM.P. 32.2(b)(6), the United States served Notice and a copy of the Preliminary Order of Forfeiture on (a) the Defendant's wife, Maria Lila Rincon Bravo; (b) Skyes Investment Limited; (c) Chapel International Limited; and (d) Camelot Finance Limited. (Doc. 276). The stated deadline to file a claim was November 8, 2022, and no claim was filed.

Because no party has filed a timely petition asserting a claim to the property listed in the Preliminary Order of Forfeiture, any third parties are barred from making a claim and should be held in default. 21 U.S.C. § 853(n)(7).

Relief Requested

The United States moves that the Court enter a final order of forfeiture for the \$51,251,219.23, which will fully satisfy the money judgment. A proposed order is attached for the Court's consideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A true and correct copy of this pleading was served on all parties of record via electronic court filing on December 13, 2022.

s/Kristine E. Rollinson
Kristine E. Rollinson